

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

05 JUN 13 PM 3:34

ROBERT R. DI TROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

OSLO COLE,

Plaintiff,

v.

No. 04-2755 B/P

YOUTH VILLAGES, INC.,

Defendant.

ORDER DENYING DEFENDANT'S MOTION TO DISMISS
DUE TO INSUFFICIENT SERVICE OF PROCESS

Before the Court is the April 29, 2005 motion to dismiss due to insufficient service of process by the Defendant, Youth Villages, Inc., against Plaintiff, Oslo Cole. Defendant submits that Plaintiff failed to serve process within 120 days of the filing of the complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure. However, on May 6, 2005, the Court granted Plaintiff thirty additional days to serve the Defendant. A review of the Court's docket sheet reflects that on May 17, 2005 a summons was returned executed against Youth Services, Inc. indicating that it had been served on April 25, 2005. Accordingly, as service has been accomplished within the extension of time given to the Plaintiff, the Court DENIES the Defendant's motion as moot.

IT IS SO ORDERED this 13th day of June, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

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Honorable J. Breen
US DISTRICT COURT